

REMARKS/ARGUMENTS

Claims 1-9 were pending in the present application before the amendment as set forth above. Among them, claims 4-7 were in the form of multiple dependent claims. By this amendment, as set forth above, claims 1 and 4-7 are amended, and claim 9 is withdrawn.

In the May 8, 2006 Office Communication, the Examiner indicated that restriction to one of the following inventions was required under 35 U.S.C. 121 and 372:

Group I, claims 1-7, drawn to a combined pharmaceutical preparation containing a compound having glutaminase activity,

Group II, claims 8, drawn to use of a particular compound having glutaminase activity and one antineoplastic agent selected from platinum complexes and anthracyclines, and

Group III, claims 9, drawn to a method for treating cancer.

Applicants through their attorney on the record and identified below appreciate very much the Examiner's preliminary review of the instant application.

In response, as set forth above, claim 1 has been amended for correcting informalities, and claims 4-7 have been amended to be dependent only from amended claim 1.

Furthermore, without acquiescing to the statements made therein, Applicants hereby elect with traverse the claims of Group I, claims 1-7, for prosecution in the instant application. Applicants further respectfully request the claim of Group II, claim 8, be examined together with claims 1-7.

Claims 1-7 of Group I recite a combined pharmaceutical preparation containing a compound having glutaminase activity. Claim 8 of Group II disclose the use of a compound prepared by claims 1-7 of Group I, as admitted by the Examiner. Accordingly, Applicants believe that claims 1-7 of Group I, and claim 8 of Group II are not directed to patentably distinct species inventions as the Examiner asserted and searching the methods of claims 1-7 of Group I with claim 8 of Group II does not impose a serious burden on the Office. Therefore, Applicants

respectfully request claim 8 of Group II be entered and examined with elected claims 1-7 together.

Additionally, claim 9, corresponding to Group III, has been withdrawn in response to the Restriction Requirement. Applicants believe the subject matter defined by the withdrawn claim is patentable and hence reserve every right in withdrawn claim 9 to file a divisional application.

Support for the amendment set forth above can be found in the claims and the disclosure as originally filed. The applicants assert that no new matter is added.

Any amendments to the claims not specifically referred to herein as being included for the purpose of distinguishing the claims from cited references are included for the purpose of clarification, consistence and/or grammatical correction only.


Examination on the merits is therefore respectfully requested and this Application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner has any questions concerning this Response or the Application in general, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

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